

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317)232-9855

**ADMINISTRATIVE RULE
FISCAL IMPACT STATEMENT**

PROPOSED RULE: 96-189

DATE RECEIVED: Sep 20 96

STATE AGENCY: Department of Environmental Management

DATE PREPARED: Nov 01 96

FISCAL ANALYST: Kristin Nahill Breen

PHONE NUMBER: 232-9567

Digest of Proposed Rule: This proposal amends 329 IAC 12-2 to include new definitions and adds 329 IAC 12-7, 329 IAC 12-8, and 329 IAC 12-9 concerning solid waste facility operator certification, examination, and training requirements.

This rule requires that solid waste facilities have at least one certified operator at the facility at all times when the facility is in operation. An operator must pass an accredited examination to obtain initial certification no later than one year after the effective date of this rule. The operator must attend an accredited training course to obtain recertification. A certificate is valid for one year from the day the examination or training course is taken.

The facilities affected by this rule include permitted municipal solid waste landfills, non-municipal solid waste landfills, solid waste incinerators, waste-to-energy facilities, restricted waste sites, and construction/demolition sites. IC 13-15-10 requires that a training and certification program be established for these facilities. Hazardous waste facility operators are not covered in this rule since they are already required to be trained under 40 CFR 264.16 as incorporated in the Indiana Administrative Code.

Governmental Entities:

IDEM: The Indiana Department of Environmental Management (IDEM) will incur additional costs in administering the certification, examination, and training requirements. IDEM estimates that it will have to hire a full-time administrative assistant (PAT3) to produce certifications, process requests, etc. Assuming that the position is filled in January 1997, the cost is estimated to be approximately \$17,347 in FY 97 and \$34,839 in FY 98, including salary, fringe benefits, and indirect costs.

Although IC 13-15-10 allows for the collection of a fee for this program, IC 13-16-1-6 takes precedent and prohibits the collection of fees to implement this program.

Purdue University: The only state entity affected by this rule is the restricted waste site at Purdue University. There are two options that Purdue University can choose from to comply with this rule: (1) the operator of the facility can take an examination or training course from an accredited provider or (2) the facility can develop and administer its own examination or training course. It is assumed that only one operator per facility will take the examination or training course.

The cost to take an examination from an accredited provider is estimated to range from \$50 to \$200. The cost to take a training course from an accredited provider is estimated to range from \$150 to \$300. Option two is not estimated to cost anything, although it will require more staff time than option one. Therefore, the costs associated with complying with this rule are based on taking an examination or training course from an accredited provider. The actual cost is dependent upon the option chosen.

The estimated cost to Purdue University for its operator to obtain initial certification ranges from \$50 to \$200. The estimated cost for the operator to obtain recertification each year ranges from \$150 to \$300. Since facilities have up to one year to comply with this rule, there may be no cost for the current fiscal year.

Local Entities: The local government entities affected by this rule include operators of the following facilities: landfills that accept both municipal and non-municipal solid waste, solid waste incinerators, waste-to-energy facilities, restricted waste sites, and construction/demolition sites.

As of June 27, 1996, there were a total of twenty-three (23) local government entities subject to this rule. The break-down of the twenty-three (23) is as follows: twenty (20) municipal, district, and county solid waste landfills; one (1) municipal waste-to-energy facility; one (1) municipal restricted waste site; and one (1) municipal construction/demolition sites in Indiana. It is assumed that only one operator per facility will take the examination or training course.

The estimated cost for operators from all twenty-three (23) local government entities to obtain initial certification ranges from \$1,150 to \$4,600. The estimated total cost for all operators to obtain recertification ranges from \$3,450 to \$6,900. Since facilities have up to one year to comply with this rule, there is likely to be no cost for the current calendar year.

Regulated Entities:

The regulated entities affected by this rule include operators of the following facilities: landfills that accept both municipal and non-municipal solid waste, solid waste incinerators, restricted waste sites, and construction/demolition sites.

As of June 27, 1996 there were a total of sixty-four (64) private solid waste facilities subject to this rule. The break-down of the sixty-four entities is as follows: thirty-two (32) private solid waste landfills, four (4) private solid waste incinerators, seventeen (17) private restricted waste sites, and eleven (11) private construction/demolition sites in Indiana. It is assumed that only one operator per facility will take the examination or training course.

The estimated cost for operators from all sixty-four (64) regulated entities to obtain initial certification ranges from \$3,200 to \$12,800. The estimated total cost for all operators to obtain recertification ranges from \$9,600 to \$19,200. Since facilities have up to one year to comply with this rule, there is likely to be no cost for the current calendar year.

Information Sources: David Wersan, Indiana Department of Environmental Management (IDEM), 232-3210; Chris Pedersen, IDEM, 232-8922; Debby Baker, IDEM, 232-0066.